IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE K.C. BHANU**

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**WRIT PETITION NO : 20723 of 2004**

Between:

Jandhyala Srinivasa Rao, S/o J.V.Subba Rao,
R/o D.No.35-79, Brindavan Colony, Ramakrishnapuram,
Neredmet X Roads, Hyderabad

**..... PETITIONER**

AND

1. The Chief Manager and Competent Authority,

Andhra Bank, Zonal Office, Hyderabad

2 The Branch Manager, Andhra Bank, SSI Mallapur Branch,
Hyderabad

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ order or direction declaring the impugned order Lr.No.688/3/C-7679/3975, dated 12-10-2004 on the files of the Cheif Manager and Competent Authority, Andhra Bank, Zonal Office, Hyderabad as illegal, arbitrary and violative of principles of natural justice

**Counsel for the Petitioner: MR.D.KRISHNA MURTHY**

**Counsel for the Respondents: MR.NUTY RAM MOHAN RAO, Standing Counsel for the Andhra Bank.**

**The Court, at the admission stage, made the following :**

**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT PETITION NO : 20723 of 2004**

**ORDER:**

Challenging the suspension order dated 12-10-2004, the present writ petition is filed.

2. The facts are not in dispute. Therefore, it is not necessary to mention the pleadings of the parties.

3. The learned counsel for the petitioner contented that the allegations made in the charge sheet do not warrant the suspension of the employee and therefore, it is totally non application of mind by the competent authority in placing the petitioner under suspension.

4. On the other hand, the learned standing counsel for the respondent-Bank contended that as per the settlement on Disciplinary Action Procedure, the petitioner was placed under suspension and the suspension order does not suffer from any legal infirmities so as to call for interference by this Court.

5. Normally, this Court will not interfere with the suspension order pending enquiry, unless the jurisdiction of the authority who issued suspension order is under challenge. Admittedly, the jurisdiction of the authority who issued the suspension order is not under challenge. Thus, the contention of the learned counsel for the petitioner that the allegations made in charge sheet do not warrant the suspension order, cannot be accepted. As seen from the charges,

the following charges are levelled against the petitioner:

> "On 24-09-2004, while performing the Joint Custodian Cashier duties at SSI branch, Mallapur, you have without intimation and without completing the day's transactions, left the Branch, thereby causing lot of inconvenience to the branch and ultimately the branch had to seek the guidance of ZCC to close the day's transactions and the entire process took more than 3 hours to set the things right. It is observed that this is not the first instance and earlier also, you were indulged in similar act for which you were cautioned not to repeat such act by the Competent Authority.
>
> You are in the habit of leaving your seat very frequently either for consuming tea or for smoking and returning at your convenience, thereby affecting the customer service adversely.
>
> You are in the habit of shouting at the customers without any rhyme or reason and creating an unpleasant atmosphere, which is lowering the image and reputation of the Bank and that of the Branch in particular besides causing loss of business. In spite of being counseled by the Branch Manager on various instances, you did not mend yourself and your rude behaviour with the customers continued unabated."

7. The same charges have been mentioned in the suspension order. As per the Memorandum of Settlement on Disciplinary Action Procedure for Workmen signed between Indian Bank's Association and the Workers Union on 10-04-2002, the expression 'misconduct' has been explained, in what circumstances, the act of delinquent amounts to 'gross misconduct'. As seen from the Settlement on Disciplinary Action Procedure, it is clear that willful insubordination or disobedience of any lawful and reasonable order of the management or of a superior; habitual doing of any act which amounts to 'minor misconduct', 'habitual' meaning a course of action taken or persisted in, notwithstanding that at least on three previous occasions censure or warnings have been administered or an adverse remark has been entered against him; doing any act prejudicial to the interest of the bank or gross negligence or negligence involving or likely to involve the bank in serious loss and misbehaviour towards the customers arising out of bank's business. These are the some of the acts or omissions form part of 'gross misconduct'.

8. It is clearly stated in the suspension order dated

12-10-2004 that the petitioner is in the habit of shouting at the customers without any reason and creating an unpleasant atmosphere which is lowering the image and reputation of the Bank. Therefore, since the acts alleged in the suspension order *prima facie* would amount to a major misconduct, the respondents are empowered to suspend the employee. Hence, the order under challenge does not suffer from any legal infirmities, so as to call for interference by this Court.

9. Therefore, the writ petition is devoid of merits and is accordingly dismissed. No costs.

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January 18, 2005

Kvr

To

1. The Chief Manager and Competent Authority,

   Andhra Bank, Zonal Office, Hyderabad
2 The Branch Manager, Andhra Bank, SSI Mallapur Branch,

Hyderabad

3 2 C.D copies.